BOMBAY ACT No. II OF 1882[1].

[*29th March, 1882.*]

An Act to amend Bombay Act II of 1874.

WHEREAS it is expedient to abolish the fund called "The Civil Jail Fund" and to provide for the disposal of subsistence-money remaining in hand on the death or release of prisoners in the civil jail, and for this purpose to amend Bombay Act II of 1874; It is enacted as follows :—

[NOTE.—The amendments made by this Act are incorporated in Bom. Act II of 1874, *supra*, p. 514.]

BOMBAY ACT No. III of 1882[2].

[*29th March, 1882.*]

An Act to amend the Bombay and Karáchi Vaccination Acts.

Bom. I of 1877 and IV of 1879.

[NOTE.—The amendment made by this Act is incorporated in Bom. Acts I of 1877 and IV of 1879, respectively, *supra*, p. 569 and p. 609, respectively.]

BOMBAY ACT No. VII OF 1882[3].

[*18th November, 1882.*]

An Act to provide for the levy of fees for the use of Public Landing-places.

Preamble.

WHEREAS it is expedient to provide for the levy of fees for the use of public landing-places in certain ports in the Bombay Presidency; It is hereby enacted as follows :—

Short title.

1. This Act shall be called the Bombay Landing and Wharfage Fees Act, 1882.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1882, Pt. V, p. 2; and for Proceedings in Council, *see ibid*, p. 8.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1882, Pt. V, p. 3; and for Proceedings in Council, *see ibid*, p. 8.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1881, Pt. V, p. 41; and for Proceedings in Council, *see ibid*, p. 47.

Local extent.

2. [It shall extend to any ports][1] in the Presidency of Bombay to which the Governor in Council may from time to time, by notification in the Bombay Government Gazette and other local official Gazette, extend the Act.

Repeal of Bombay Act III of 1879.

3. Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment or rule made under that Act shall be deemed to have been levied and made under this Act.

"Landing-place" and "Commissioner" defined.

4. In this Act the term "landing-place" includes a bandar, wharf, pier, jetty, hard and any place used for the landing, shipping, wharfage, cranage or storage of goods;

and the term "Commissioner" shall include[2] * * * * * * the Chief Customs-authority for the Presidency of Bombay.

The Governor in Council to fix limits of bandars, etc., and the fees to be levied.

5. It shall be lawful for the Governor in Council from time to time, by notification in the Bombay Government Gazette and other local official Gazette,—

(*a*) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the [3]Indian Ports Act, 1875;

(*b*) to determine what are public landing-places to which the provisions of this Act shall apply;

(*c*) to determine the limits of any such landing-place;

(*d*) to withdraw this Act from any port in which it is for the time being in force;

(*e*) to fix the fees to be levied—

(1) for the landing, shipping, wharfage, cranage, storage or demurrage of goods at, and

(2) for permitting animals or vehicles to bring or remove goods to or from, or to ply for hire at, and

(3) for permitting vessels or boats to approach or lie alongside, any such landing-place:

Provided that it shall be lawful for the Governor in Council at any time to exempt any goods, vessels, boat, animal or vehicle, either wholly or partially, from any fee to which the same may be liable under this section.

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[1] These words were substituted for the words "It shall extend—(*a*) to the Ports of Karachi and Aden; (*b*) to any other ports" by the Amending Act, 1895 (Act 16 of 1895), Second Schedule, Vol. I, p. 226.

[2] The words "the Commissioner in Sind, the Political Resident at Aden and" were repealed by the Repealing and Amending Act, 1895 (Act 16 of 1895).

[3] *See* now the Indian Ports Act, 1889 (10 of 1889), s. 2, as modified up to 1st April, 1901.

Powers and duties under this Act by whom to be exercised and performed.

6. The levy of fees under this Act shall be made, and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder shall be exercised and performed, by such officers as the Governor in Council shall from time to time direct, or by such persons as he shall from time to time direct in this behalf.

Powers, privileges and liabilities of officers who collect fees.

7. The officers and persons whose duty it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law [1] for the time being in force in respect of duties of sea-customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

Punishment of offenders.

The law [1] for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees.

Tables of fees to be posted up.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, province or territory in which the port is situate.

Power to make bye-laws.

9. The Commissioner may, within the district, province or territory under his charge, and, in respect of any other port or ports to which the provisions of this Act may hereafter be extended, the Chief Customs-authority for the Presidency of Bombay may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act—

(*a*) regulating the use of every landing-place to which this Act applies ;

(*b*) providing for the management of the traffic over, on or about and to and from, every such landing-place ; and

(*c*) generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the Bombay Government Gazette and other local official Gazette.

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[1] *See* the Sea Customs Act, 1878 (Act 8 of 1878), as modified up to 1st February, 1904.

Fees realized under this Act how to be applied.

10. The proceeds of all fees realized under this Act in any port to which this Act applies shall be applied in such port—

(*a*) in payment of the expenses of the administration of this Act :

(*b*) in defraying the cost of acquiring or constructing new landing-places required for the convenience of the trade of such port ;

(*c*) in maintaining and improving any existing landing-place and generally in the improvement of such port.

Yearly accounts to be published.

Accounts of all receipts and expenditure under this Act shall be published once in every year in the Bombay Government Gazette and other local official Gazette.

11. [*Validation and Indemnity.*] *Rep. Act XVI of 1895.*

BOMBAY ACT No. I OF 1883 [1].

[*10th April, 1883.*]

An Act to provide Funds for maintaining Provincial Roads used for local purposes.

Preamble.

WHEREAS it is expedient to provide additional funds for the construction and proper maintenance and repair of public roads in or near stations which are chiefly used by the residents for purposes of local convenience, as, for example, for intercommunication, pleasure driving or riding, other than for military purposes or for purposes connected with agricultural operations of petty trade, dealing or industry, and which are not provided for out of imperial, municipal or cantonment funds ; It is hereby enacted as follows :—

Short title.

1. This Act shall be cited as the Bombay Highway Act, 1883, and it shall come into force in the manner provided in the next following section.

Local extent.

2. This Act shall extend to the whole of the territories administered by the Bombay Government, but shall not come into force anywhere within the said territories until the Governor in Council may, by notification in the Bombay Government Gazette, apply [2] the same to any local area to be specified in such notification within the said territories ; and the Governor in Council may, in like manner, amend or cancel any such notification.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1882, Pt. V, p. 53 ; for Report of the Select Committee, *see ibid*, 1883, p. 1 ; and for Proceedings in Council, *see ibid*, 1882, p. 65, *ibid*, 1883, p. 8.

[2] For notifications applying this Act to local areas in the Presidency, *see* Bombay Local Rules and Orders, Vol. II, Ed. 1898, pp. 598 to 600.